

Cause No. PD-0787-18

DEMOND FRANKLIN

§

COURT OF

FILED

COURT OF CRIMINAL APPEALS

3/27/2019

DEANA WILLIAMSON, CLERK

VS.

§

CRIMINAL APPEALS

§

STATE OF TEXAS

§

OF TEXAS

MOTION TO AMEND APPELLANT'S REPLY BRIEF

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, DEMOND FRANKLIN, who by and through his appellate counsel of record, Mr. Dean A. Diachin, and pursuant to TEX. R. APP. P. 38.7, does hereby respectfully move this Honorable Court for leave to amend appellant's reply brief, and in support thereof would show the Court the following:

I. Procedural History.

Appellant was found guilty of capital murder on December 12, 2017. The trial court automatically sentenced appellant to life without parole that same date. This Court granted appellant's timely petition for discretionary review on December 12, 2018. Appellant timely filed his opening brief on January 28, 2019. The State filed in response on March 6, 2019, and appellant then filed his initial reply on March 26, 2019.

II. Reason for Amendment.

Minor errors in typography, word choice, & example citation persisted in appellant's reply brief even after that document was filed. None of appellant's recent edits and/or corrections significantly changes the structure or content of appellant's initial reply. However, out of an abundance of caution, appellate counsel simply hopes to present the most reader-friendly work product possible.

III. Prayer

WEREFORE, PREMISES CONSIDERED, appellant respectfully requests this Honorable Court grants appellant's Motion to Amend Appellant's Reply Brief, and accepts appellant's amended reply brief in lieu of the reply counsel filed on March 26, 2019.

Respectfully submitted,

s/ *Dean A. Diachin*

DEAN A. DIACHIN

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ATTORNEY FOR APPELLANT.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion to Amend Appellant's Reply Brief has been "e-served" on the Bexar County District Attorney's Office, Appellate Division, 101 W. Nueva St., San Antonio, TX 78205 on March 27, 2019.

/s/ Dean A. Diachin
DEAN A. DIACHIN